

Complaint # 70101
ORIGINAL

PAULA T. DOW
Attorney General of New Jersey
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

Attorney for the State
Board of Ophthalmic Dispensers and
Ophthalmic Technicians

By: Susan C. Berger
Deputy Attorney General
(973) 648-4876



Pd 5/07/10
MO# 26684237
\$ 500.00

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
STATE BOARD OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION OF THE :
LICENSE OF

Administrative Action

VESTA KIM
LICENSE NO. 31TD00367900

CONSENT ORDER

TO ENGAGE IN THE PRACTICE OF :
OPHTHALMIC DISPENSING IN THE :
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians (the "Board") upon receipt of information that respondent failed to provide four patient records requested in a subpoena personally served by the Enforcement Bureau upon respondent on September 10, 2009. The subpoena required respondent to submit four randomly selected patient records, employment information, patient instructions, and customer information for patient, L.L. to the

Enforcement Bureau of the Division of Consumer Affairs on September 25, 2009.

On March 12, 2010, the Board filed a Provisional Order of Discipline ("POD") seeking to provisionally suspend respondent's license to practice ophthalmic dispensing for failing to provide the documentation requested in the subpoena and provisionally assessing a civil penalty in the amount of \$1,000.00. Respondent was served with the POD and responded by an undated letter requesting that the POD be dismissed or modified. Respondent stated that she sent one of the patient records and the additional information directly to the Division of Law rather than the Enforcement Bureau and attached the other three patient records to her response.

The Board finds that respondent failed to timely cooperate with the Board's investigation, in violation of N.J.A.C. 13:35-1.3(a)6.

It appearing that the parties desire to resolve this matter without recourse to formal proceedings, and respondent waiving any right to a hearing and for good cause shown,

IT IS ON THIS 30th DAY OF April, 2010

HEREBY ORDERED AND AGREED THAT:

1. The Provisional Order of Discipline filed against respondent on March 12, 2010 is hereby resolved pursuant to the within Consent Order.

2. Respondent is reprimanded for failing to timely cooperate with the Board's investigation, in violation of N.J.A.C. 13:45C-1.3(a)6.

3. Respondent shall pay a civil penalty in the amount of five hundred dollars (\$500.00). Payment shall be made by certified check or money order, payable to the "State of New Jersey" and sent to Dorcas O'Neal, Executive Director of the State Board of Ophthalmic Dispensers and Ophthalmic Technicians, P.O. Box 45011, Newark, New Jersey 07101. The civil penalty shall be paid simultaneously with the signing of the within order.

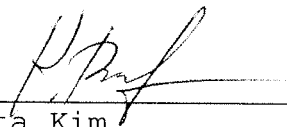
4. Failure to remit payment as required by this Order will result in the filing of a Certificate of Debt and such other proceedings as are permitted by law.

NEW JERSEY STATE BOARD OF OPHTHALMIC
DISPENSERS AND OPHTHALMIC TECHNICIANS

By: 

Linda Cohen, President

I have read and I understand
this Consent Order and agree to
be bound by its terms. I consent
to the entry of this Order.


Vesta Kim